

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

S.R., by and through his next friend, Phillip Rosenbauer, <i>et al.</i> <i>Plaintiffs</i>	: : : : : : : : : : :	MISCELLANEOUS ACTION NO. 20-mc-00002
v.	: : : : : : : : : : :	
PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES, <i>et al.</i> <i>Defendants</i>	: : : : : : : : : : :	

ORDER

AND NOW, this 19th day of May 2020, upon consideration of the City of Philadelphia's ("City") *motion to quash*, [ECF 1], and Plaintiffs' response in opposition thereto, [ECF 6], it is hereby **ORDERED** that the motion is **GRANTED**, *in part*. Accordingly, the subpoena dated October 15, 2019, issued by Plaintiffs in the civil action *S.R. v. Pennsylvania Department of Human Services*, No. 17-cv-2332 (M.D. Pa. filed Dec. 18, 2017) and served on the City, is **MODIFIED**, as follows:

1. By June 15, 2020, Plaintiffs' counsel and the City's counsel shall jointly arrange for each of the twelve identified absent class members to receive notice of the subpoena. Thereafter, counsel shall jointly file a certification that the twelve identified absent class members were sent and have received actual notice of the subpoena;
2. The twelve identified absent class members shall be afforded an opportunity to be heard in the event that any of them have any objections to the disclosure of the information sought by the subpoena;
3. If any of the twelve identified absent class members do not have any objections to the release of their confidential information pursuant to the subpoena and the controlling

Confidentiality Order,¹ the parties shall obtain appropriate waivers from said class member(s), and certify on the record that said class member(s) has no objections;

4. If any of the twelve identified absent class members object to the release of their confidential information, the parties shall notify the Judge presiding over the underlying civil action, so that appropriate proceedings may be conducted to address those objections *prior to any subpoena compliance*; and
5. The City shall comply with the subpoena as it pertains to each individual absent class member only *after* the parties have complied with the aforementioned conditions.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

¹ See *S.R. v. Pennsylvania Department of Human Services*, No. 17-cv-2332, ECF 40 (M.D. Pa. filed Aug. 10, 2018).